

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Forward Directions Concerning the Tri-Cities
Proposal

FROM: Charles A. Rhodes Jr., Ecologist, OMA, EAID

TO: Carrie Traver, OEP; Don Evans, Kelsey Hensley, EIA; Greg Pond,
WST; Jen Fulton, WST, OMA, EAID; Bill Richardson, WPD

DATE: 24 March 2016

Several of you have been involved in the evaluation of the Tri-Cities project proposal for varied lengths of time whereas several of you are just being made aware of the project. As it stands now the project proponents have submitted a permit application and EPA has furnished the first of what may be a series of comments concerning the proposal and its impacts on the environment.

The project proponents seek a permit to fill 47.1 acres of forested wetlands in order to develop 53.8 acres in the northwestern portion of a 428 acre site for proposed mixed-use development near the Virginia Beach/Chesapeake boundary. The permit applied for concerns a “dredge and fill” permit from the Corps of Engineers in accordance with Section 404 of the Clean Water Act.

In accordance with the 404(q) elevation MOA between EPA and the Corps, an “a” letter (attached) was transmitted to the Corps on 11 March 2016 indicating that Project “may result in substantial and unacceptable impacts to aquatic resources of national importance...” (emphasis added). As indicated in previous memos (memos included re: 10 July 14 assessment; 15 July 14; and 10 Mar. 16) the wetlands at issue are relatively uncommon and important resources.

Ex. 5 - Deliberative Process

As some of you are aware, in researching the project it became apparent that issues beyond the physical limits of the proposal are germane. The Tri-Cities site includes much of the undeveloped headwaters of Stumpy Lake that have not been converted. Moreover the history of the contributing watershed, the historical and current water quality condition of Stumpy Lake, and its receiving waters (North Landing River—Currituck Sound—Albemarle Sound) are relevant in the larger context (as are other issues—see “Preliminary Recommendations” of the 16 Feb. 16 memo).

Questions/issues going forward include the following:

Ex. 5 - Deliberative Process

I believe that the task of the group gathered is to answer the questions and deal with the issues before us. Any insights and contributions should be shared among the group identified thus far. If you believe that other individuals might contribute to the effort please share that information as well. If you believe that additional information or sources of data would be helpful, please share that as well.